

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

OCTOBER 13, 1999

IN RE:

**PETITION OF GLOBAL NAPS GULF, INC.
FOR APPROVAL OF AN INTRALATA TOLL
DIALING PARITY PLAN**

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) **DOCKET NO. 99-00183**
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**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY
IMPLEMENTATION PLAN**

This matter came before the Tennessee Regulatory Authority (the "Authority") on September 14, 1999, at a regularly scheduled Authority Conference, to consider the Petition of Global NAPs Gulf, Inc. for approval of an IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.¹ Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file with the state commission for exemption, suspension or modification of the dialing parity requirements.

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 97 U.S.C. §§151 *et seq.*

↻ **FILE**

The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.² On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.³

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

Global NAPs Gulf Inc., is a telecommunications company approved to operate under Tenn. Code Ann. § 65-4-201 as a competitive local exchange carrier to provide telecommunications services in Tennessee. Pursuant to 47 C.F.R. § 51.213, the petitioner is required to file a plan with the Authority that provides for implementing intraLATA toll dialing

² FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

³ AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

parity in the exchanges in Tennessee where service is provided.⁴ This plan must allow customers to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.⁵

Global NAPs Gulf, Inc. filed an intraLATA toll dialing plan on May 28, 1999 with a final amendment on August 16, 1999. The Plan as amended, attached hereto as Exhibit A, is fully incorporated herein by this reference.

The Directors considered this plan at the September 14, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.⁶ The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method that allows customers to choose different carriers for interLATA and intraLATA service; customer notification/education procedures; and anti-slamming procedures. The Directors unanimously voted to approve the Global NAPs Gulf, Inc. intraLATA toll dialing parity implementation plan, as amended, with the requirement that the petitioners comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

IT IS THEREFORE ORDERED THAT:

1. The amended Plan of Global NAPs Gulf, Inc. for IntraLATA Toll Dialing Parity Implementation, a copy of which is attached as Exhibit A, is hereby approved and incorporated

⁴ Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

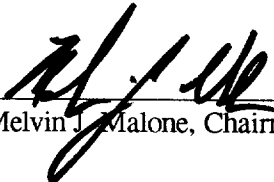
⁵ Pre-subscription allows the customer to place a call without dialing an access code.

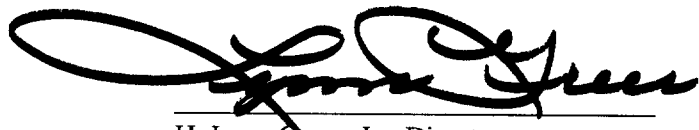
⁶ FCC Order 96-333 released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54 released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

in this Order as if fully rewritten herein;

2. Global NAPs Gulf, Inc. shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and

3. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.



Melvin J. Malone, Chairman

H. Lynn Greer, Jr., Director

Sara Kyle, Director

ATTEST:

K. David Waddell, Executive Secretary



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REGULATORY AUTH.
'99 AUG 16 PM 1 08
OFFICE OF THE
EXECUTIVE SECRETARY

August 13, 1999
Via Fax and Overnight

RECEIVED

AUG 16 1999

TN REGULATORY AUTHORITY
TELECOMMUNICATIONS DIVISION

Mr. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37219-0412
(615) 741-3939

RE: TRA Docket 99-00183; Global NAPs Gulf, Inc.
Application for Certificate to Provide Competing Local Telecommunications
Services

Dear Sir or Madame:

Enclosed for filing are the original and thirteen (13) copies of the revised Dialing
Parity Plan of Global NAPs Gulf, Inc.

Please acknowledge receipt of this filing by returning, date-stamped, the extra copy
of this cover letter in the self-addressed, stamped envelope enclosed for this purpose.

If any questions arise regarding this filing, please do not hesitate to call me at (407)
740-8575. Thank you for your assistance.

Sincerely,

Connie Wightman
Consultant to Global NAPs Gulf

cc: John Postl
File GNGI - TN

TNL9900d

**GLOBAL NAPS GULF, INC.
DIALING PARITY PLAN**

I. OBJECTIVE/PURPOSE

The intent of this Dialing Parity Plan is to permit Customers to route intraLATA toll calls automatically, without the use of access codes, to any interexchange carrier ("IXC") of the Customer's choice that has established itself as an access Customer under GNGI's Access Services Tariff that GNGI will file prior to launch of service in Tennessee.

II. IMPLEMENTATION SCHEDULE

GNGI proposes to begin providing local exchange service in various Tennessee markets currently served by BellSouth approximately in the fourth quarter of this year. The exchange areas covered in this Dialing Parity Plan include all of the exchanges in the four LATAs currently served by BellSouth. As it has done in states, GNGI will notify various IXC's regarding GNGI's plans when it is ready to launch local service in Tennessee. In addition, GNGI has developed an information package to send to each inquiring IXC, after notification, which explains how access service can be obtained.

III. CARRIER SELECTION PROCEDURES

GNGI will implement a full 2-PIC carrier selection methodology. With the full 2-PIC methodology, Customers will be able to presubscribe to the same or a different participating telecommunications carrier for intraLATA toll calls.

Processes have been established to provide new Customers with an opportunity to choose their intraLATA toll carrier. Company employees who communication with the public, accept orders and serve in customer service capacities are being trained to explain to Customers the availability of 2-PIC equal access, and to assist Customers in making an initial PIC choice or in changing a PIC choice for intraLATA and interLATA toll calls.

The Company has developed anti-slamming procedures consistent with FCC and state requirements that include signed letters of agency for carrier changes and/or third party verification of all PIC change requests.

IV. NEW CUSTOMERS

Customers who contact GNGI requesting new telephone exchange service will be informed of the opportunity to choose both an intraLATA and interLATA PIC. If requested by the Customer, GNGI will provide a list of telecommunications carriers, including GNGI, that are access Customers and are maintaining a relationship with GNGI pursuant to the provisions of the Company's Access Services Tariff. The list of intraLATA toll carriers will be presented in a competitively neutral manner to new Customers who do not make a positive choice for an intraLATA carrier. If the customer fails to choose a carrier, the customer will be required to dial an access code on a call by call basis to reach their carrier of choice.

V. EXISTING CUSTOMERS

As indicated above, GNGI is a new carrier in Tennessee and, thus, has no existing Customer base. GNGI proposes to provide intraLATA equal access as a feature of the Company's Tennessee local exchange service upon launch of that service. Therefore, no notification to existing Customers is required.

VI. CARRIER NOTIFICATION

Interexchange carriers that desire to become access Customers shall notify GNGI via letter or telephone call of their desire to obtain Exchange Access Service information or by completing an Access Service Request ("ASR") form. Many IXC's have already contacted GNGI for information. GNGI will send each requesting carrier an information package describing GNGI's service, processes and applicable tariffs. Once GNGI receives and processes an IXC's Access Service Request, that carrier will be added to the list of participating carriers made available to a requesting Customer trying to choose a PIC. GNGI will provide notice of those switches available for exchange access services to IXCs by identifying those switches in NECA Tariff FCC No. 4. In addition, GNGI will include a list of available switches in its information package provided to each IXC in response to an inquiry.

VII. NONDISCRIMINATORY ACCESS

GNGI will provide access for its customers to operator services, directory assistance and directory listings. GNGI will provide nondiscriminatory access to its listings database and inward operator services to those IXCs and LECs who also serve the same customers.

VIII. COMPLIANCE

The Company will comply with all rules set forth by the FCC and the Tennessee Regulatory Authority. GNGI has not requested modification of Section 251(f)(2) of the Telecommunications Act of 1996.

IX. COST RECOVERY

GNGI does not expect to experience additional incremental costs of implementation of intraLATA dialing parity and, therefore, will not add rate elements to recover costs. Subsequent consumer PIC changes after initial installation will be \$5.00 for facilities-based services or a pass-through of the ILEC charges for resold services.